

Message Text

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ORIGIN EB-08

INFO OCT-01 EUR-12 ISO-00 ACDA-12 AGRE-00 AID-05
CEA-01 CEQ-01 CG-00 CIAE-00 COME-00 DLOS-09
DODE-00 DOTE-00 EPA-01 SOE-02 DOE-15 FMC-01
TRSE-00 H-01 INR-10 INT-05 IO-13 JUSE-00 L-03
NSAE-00 NSC-05 NSF-01 OES-07 OMB-01 PA-01 PM-05
SP-02 SS-15 USIA-06 OIC-02 /145 R

DRAFTED BY EB/TRA/MA:REJOHE:EW
APPROVED BY EB/TRA:JRATWOOD
L/EB:JBELLO
DOT:PLARSEN
EUR/RPE:KSTOCKER
L/OES:MMCLEOD

-----009626 280711Z /21

R 280059Z MAR 78
FM SECSTATE WASHDC
TO AMEMBASSY LONDON
INFO AMEMBASSY COPENHAGEN
AMEMBASSY OSLO
AMEMBASSY STOCKHOLM

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E.O. 11652:N/A

TAGS: EWWT

SUBJECT: U.S. DEEPWATER PORTS

REF: (A) LONDON 3280, (B) STATE 243068

1. BOTH DEPARTMENTS OF STATE AND TRANSPORTATION HAVE FOUND
UK PROPOSED NOTE (REF A) UNACCEPTABLE BECAUSE IT IS NOT
LEGALLY IN COMPLIANCE WITH SECTION 19(C) OF THE DEEPWATER
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PORT ACT OF 1974 (P.L. 93-627). FYI: SECTION 19(C) IS AS
FOLLOWS: QUOTE. EXCEPT IN A SITUATION INVOLVING FORCE
MAJEURE, A LICENSEE OF A DEEPWATER PORT SHALL NOT PERMIT
A VESSEL, REGISTERED IN OR FLYING THE FLAG OF A FOREIGN
STATE, TO CALL AT, OR OTHERWISE UTILIZE A DEEPWATER PORT
LICENSED UNDER THIS ACT UNLESS (1) THE FOREIGN STATE
INVOLVED, BY SPECIFIC AGREEMENT WITH THE UNITED STATES,

HAS AGREED TO RECOGNIZE THE JURISDICTION OF THE UNITED STATES OVER THE VESSEL AND ITS PERSONNEL, IN ACCORDANCE WITH THE PROVISIONS OF THIS ACT, WHILE THE VESSEL IS LOCATED WITHIN THE SAFETY ZONE, AND (2) THE VESSEL OWNER OR OPERATOR HAS DESIGNATED AN AGENT IN THE UNITED STATES FOR RECEIPT OF SERVICE OF PROCESS IN THE EVENT OF ANY CLAIM OR LEGAL PROCEEDING RESULTING FROM ACTIVITIES OF THE VESSEL OR ITS PERSONNEL WHILE LOCATED WITHIN SUCH A SAFETY ZONE. UNQUOTE. END FYI.

2. ACTION REQUESTED: EMBASSY REQUESTED TO INFORM HOST GOVERNMENT THAT UK PROPOSAL UNACCEPTABLE AND THAT U.S. POSITION IS AS STATED REF B.

3. SPECIFICALLY, LANGUAGE IN PARA 2(1) OF REF A DOES NOT GIVE THE USG UNQUALIFIED JURISDICTION AS REQUIRED BY SECTION 19(C). ALSO UK HAS NOT INCLUDED IN THEIR TEXT LANGUAGE WHICH USG BELIEVED NECESSARY AND SO INCLUDED IN REF B, I.E., QUOTE. ON THE SAME BASIS AS WHEN IN COASTAL PORTS OF THE UNITED STATES. UNQUOTE.

4. FYI: PAUL LARSEN (DOT) HAS RECENTLY (FEB.) SPOKEN WITH SCANDINAVIAN REPS WHO CONTINUE TO AGREE WITH THE PROPOSED U.S. NOTE (REF B). DOT DESIRES TO FINALIZE AGREEMENT QUICKLY WITH SCANDINAVIANS AND THEN TURN AT A LATER DATE TO THE UK. IF UK VESSELS WANT TO USE U.S. LIMITED OFFICIAL USE

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DEEPWATER PORTS THE ONUS IS ON THEM TO REALIZE THAT THERE ARE FEW, IF ANY, NEGOTIATING POINTS REGARDING JURISDICTIONAL MATTERS WHILE IN THE DEEPWATER PORT SAFETY ZONE. USDEL EXPLAINED THIS IN DETAIL AT A LONDON MEETING (SEPT. 21, 1977) TO MICHAEL FIELDER OF THE DEPARTMENT OF TRADE AND OTHERS. STATE AND DOT WILL FINALIZE AS SOON AS POSSIBLE WITH THE SCANDINAVIANS THE NOTE IN REF B. END FYI. VANCE

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Message Attributes

Automatic Decaptioning: X
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Concepts: PORT FACILITIES
Control Number: n/a
Copy: SINGLE
Draft Date: 28 mar 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Drafter: REJOHE:EW
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Executive Order: N/A
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Format: TEL
From: STATE
Handling Restrictions: n/a
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ISecure: 1
Legacy Key: link1978/newtext/t19780318/aaaaaore.tel
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Litigation Codes:
Litigation History:
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